



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

Prepared for the European Commission
Directorate-General Information Society and Media
SMART 007A 2007-0002

by

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Final Report - Annex III

COUNTRY REPORTS

Lithuania

Contract No.: 30-CE-0154276/00-76

Leuven, July 2009



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By the Commission of the European Communities
Directorate-General for Information Society and Media

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

16. Overview of legal and policy measures promoting/supporting media pluralism

[LITHUANIA]

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National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

Act on Provision of Information to the Public

Radio and Television Act

Act on Electronic Communications

- *General legislation*

Lithuanian Constitution

Competition Act

Law on the Right to Obtain Information from State and Local Government Institutions

Law on Equal Treatment

- **Codes of conduct**

Journalist Code of Ethics

- **Other**

Development plan for digital terrestrial television technical and regulatory requirements for implementation and development of digital TV in Lithuania

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Art. 25 Lithuanian Constitution	PM and AAVM	Article 25 of the Lithuanian Constitution of 25 October 1992 (last amended on 13 July 2004) deals with freedom of expression and information. According to para. 1 of this provision, every individual has the right to have his own convictions and freely express them. Subject to para. 2, nobody should be hindered from seeking, obtaining and disseminating information. Para. 3 states that the freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any other way than established by law. Such a law must be necessary for the safeguard of the health, honour, private life or morals of an individual, or for the protection of the constitutional order. Article 25 para. 4 declares that the freedom to express convictions and to impart information is incompatible with criminal actions, incitement of national, racial, religious or social hatred, violence or discrimination, the dissemination of slander or misinformation.
<i>Note: The Lithuanian Constitution is a rather abstract document which is difficult to implement. The most problematic is the provision on freedom of expression as incompatible with criminal actions, incitement of national, racial, religious or social hatred, violence or discrimination. In recent years there very numerous incidents of incitement of racial and social violence; however, these incidents in the media often remain unpenalized. For instance, the publication of an article entitled “Swedish Ambassador’s Moral Support for Homosexuals Received Some Response,” in the Internet portal www.lytas.lt provoked readers’ comments such as “Gays to gas chambers!” “Good gay is a dead gay,” etc. Human Rights Monitoring Institute addressed the Ethics Commission of Journalists and Publishers with the request to evaluate the content of these comments and hand materials to the court if necessary. The Commission decided that the comments incited hatred against people of “non-traditional orientation” and handed all the materials to the court. However, no public information has been received on the status of pre-trial investigation. In this sense, media pluralism is not threatened.</i>			
	Art. 44 Lithuanian Constitution	PM and AAVM	Prohibits the censorship of mass media. However, the Lithuanian Constitution does not contain any further broadcasting rules.
<i>Note: Since it is a very general document, it is difficult to trace its relationship to implementation. Declaratively, censorship is prohibited in Lithuania.</i>			
1.2. Freedom of/right to information			
	Art. 25 Lithuanian Constitution		<i>Cf. supra</i>
<i>Is there – besides constitutional provisions – a specific act dealing with citizens’ or journalists’ access to public sector information?</i>	Law on the Right to Obtain Information from State and Local Government Institutions (enacted in 2000)	PM and AAVM	
<i>Note: This law was amended several times; last revisions were made in 2006. The Lithuanian Parliament ratified the law and a new version was enacted in September 2006. Other specific laws deal with state secrets and official secrets and law on archives.</i>			
<i>Are there specific rules dealing with journalists’ access to events for news reporting?</i>			

<i>Note: There are no specific rules on journalists’ access to events for news reporting. Thus, different authorities interpret the provisions according to their own liking. There were cases when some Parliament members prohibited certain journalists to attend press conferences in the Parliament. General provisions are not conducive to implementation.</i>			
1.3. Explicit recognition of media pluralism	Art. 16 Act on Provision of Information to the Public	PM and AAVM	1. Respecting the diversity of opinion, the producers and disseminators of public information shall present in the media as many as possible opinions that are independent of one another.
<i>Note: So far, there have not been any public complaints about this provision or its implementation.</i>			
	Art. 29 Act on Provision of Information to the Public	PM and AAVM	2. The State shall create equal legal and economic conditions for fair competition among the producers and disseminators of public information, except for the producers and/or disseminators of productions that involve violence and eroticism. In accordance with the procedure established by this and other laws, State and municipal institutions shall ensure the preservation of pluralism in the provision of information to the public and fair competition with the view of avoiding the abuse of dominant position by producers and/or disseminators of public information or in any separate media market.
<i>Note: There have not been any public cases revealing the infringements on this provision.</i>			
1.4. Protection of journalistic sources	Art. 8 Act on Provision of Information to the Public	PM and AAVM	The producer, disseminator of public information, their participants, and the journalist shall have the right to maintain the confidentiality of the source of information and not to disclose it, with the exception of the cases where by a court decision it is necessary to disclose the source of information for vitally important or otherwise significant public reasons, also in order to ensure that the constitutional rights and freedoms of a person are protected and that justice is served.
<i>Note: The provision on the protection of journalistic sources is followed in Lithuania</i>			
1.5. Right of reply	Art. 15 Act on Provision of Information to the Public	PM and AAVM	Any natural person whose honour and dignity have been degraded by false, inaccurate or biased information published about him in the media, also any legal person whose professional reputation or other legitimate interests have been damaged by published information which is false, inaccurate or biased shall have the right of reply, denying false information or correcting published information, or shall have the right to demand that the producer and/or disseminator of public information issue a refutation of false information in accordance with the procedure established in Article 44 of this Law.
<i>Note: The rule on the right of reply is very problematic. As the current Inspector on Journalistic Ethics Romas Gudaitis stated, in 2006-2007 the number of offenses on persons’ honour and dignity in</i>			

<p>mass media increased. In the report of BNS (News Agency), he said that a large part of these cases have not been resolved and people have not received an apology or refutation of false information. The majority of people is afraid of standing for their rights and fight against the media.</p>			
<p>1.6. Ratification of international instruments: - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)</p>			<p>-yes -accession</p>
<p><i>Note: In addition to ratification of these international documents, there is also the Law on Equal Treatment (2005) which prohibits any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.</i></p>			

TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	Art. 23 Act on Provision of Information to the Public	PM and AAVM	<p>1. A producer of public information must have its rules of procedure and/or internal code of ethics. At least one of these documents approved by the producer of public information must set the journalist's rights, duties, responsibility, employments relations, as well as the journalist's protection against restriction of his rights.</p> <p>2. Regardless of the fact whether a journalist is linked with a producer of public information by virtue of employment, a producer of public information must agree in writing with a journalist as to the use of a journalist's copyrighted work. Such an agreement shall also be a collective agreement between a producer of public information or an organization representing him and journalists or an organisation representing them, which lays down conditions for the use of copyrighted works of journalists. If a producer of public information, who uses a journalist's copyrighted work, has not agreed in writing on this with a journalist, and is not a party to a collective agreement, this will not excuse a producer of public information from an obligation of fair remuneration for a journalist's copyrighted work used by him.</p>
<i>Note: There are no specific legal measures preventing journalists from expressing freely and according to the approved copyright regulations.</i>			
	Art. 21 Act on Provision of Information to the Public	PM and AAVM	Public information producers, disseminators and journalists shall use literary, scientific, artistic and other works in conformity with the Law on Copyright and Related Rights as well as other laws and legal acts.
	Art. 43 Act on Provision of Information to the Public	PM and AAVM	1. The norms of professional ethics which have to be adhered to by the producers and disseminators of public information as well as journalists is defined in the Code of Ethics of Lithuanian Journalists and Publishers (hereinafter referred to as the “Code”), the Resolution on the Ethics of Journalism adopted by the Parliamentary Assembly of the Council of Europe, also by international treaties of the Republic of Lithuania governing the production and dissemination of public

			information, and this Law.
<i>Note: Although the Code of Ethics of Lithuanian Journalists and Publishers exist, it does not prevent journalists from not following it. In his yearly report, the Inspector on the Ethics of Journalists stated that the Office of the Ethics of Journalists received an increasing number of complains about journalists' infringement on human rights and other offenses.</i>			
	Art. 29 Journalist Code of Ethics	PM and AAVM	The journalist shall not carry out assignments of any authorities, private structures or separate individuals and shall be engaged only in the assignments given by the managers of the mass media.
<i>Note: According to the Inspector on the Ethics of Journalists, there have been a number of cases when this provision has been observed. Journalists repeatedly published articles paid by private structures, individuals or even some ministries.</i>			
	Art. 30 Journalist Code of Ethics	PM and AAVM	The journalist shall not have the right to accept gifts, travels free of charge, to go on the vacations paid by somebody and receive any other signs of benevolence that might affect his independence. If, in exceptional cases, the journalist travels free of charge (on business matters), he should state this fact in his work.
<i>Note: There are no known cases of the encroachment on this article. However, as the 2007 report of the Inspector of the Journalist Ethics indicates, some journalists published articles and information (hidden advertising) financed by private structures, individuals or even governmental institutions.</i>			
	Art. 31 Journalist Code of Ethics	PM and AAVM	The journalist cannot receive any fringe benefits from anybody, except his editorial board, a professional union and non-profit public organizations.
	Art. 35 Journalist Code of Ethics	PM and AAVM	It shall be forbidden to publish commercials by covering it with impartial information. The journalist shall not receive compensation for concealed advertising. 38. The journalist shall have professional qualification.
<i>Note: As the 2007 report of the Inspector of the Journalist Ethics indicates, some journalists published articles and information (hidden advertising) financed by private structures, individuals or even governmental institutions. This provision is difficult to implement. Some printed or even electronic media employ college students or under-educated personnel in order to save money.</i>			
	Art. 36 Journalist Code of Ethics	PM and AAVM	The journalist should consider if it is appropriate to use his name, image and voice for advertising, except the cases when such advertising aims at humanitarian goals instead of commercial ones.
<i>Note: There are no known cases of violation of this provision noted in the yearly reports of the Office of the Inspector of Journalist Ethics.</i>			
	Art. 37 Journalist Code of Ethics	PM and AAVM	Not only mass media shall be free but its journalist shall also be free. He/she has to refuse to perform the assignment given by the manager of editorial staff in case it contradicts national legislation, the ethics of journalist and his/her personal convictions. The journalist has the right not to undersign his work in case it undergone material changes without his consent and it resulted in distortion of the idea of the work and emerged the ideas not belonging to the author.
<i>Note: This declarative principle is difficult to observe since Lithuanian mass media are often related to commercial and political interests.</i>			

2.2. News / information programmes	Art. 34 Journalist Code of Ethics	PM and AAVM	Mass media shall clearly distinguish commercials, advertising, ordered articles from the works of journalists.
<i>Note: As noted above, this distinction between ordered articles, commercial and journalists' works is rather slippery. In his reports and press releases, the Inspector of Journalist Ethics noted this dangerous phenomenon.</i>			
	Art. 40 Act on Provision of Information to the Public		6. News and current affairs programmes may not be sponsored.
<i>Note: No publicly revealed violations of this provision are known.</i>			
2.3. Other media content	Art. 22 Act on Provision of Information to the Public	PM and AAVM	7. Every producer of public information or a participant thereof must appoint a person (chief editor, editor, broadcast host) responsible for the content of the media. Where a producer of public information and a participant thereof is one and the same natural person, he shall bear responsibility for the content of his media.
	Art. 40 Act on Provision of Information to the Public	PM and AAVM	2. The content or broadcasting time of sponsored programmes shall not be influenced by the sponsor.
<i>Note: There is no research on this. Only speculations can be made that some sponsors influence the contents of sponsored programmes.</i>			
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)	Art. 23. Journalist Code of Ethics	PM and AAVM	A journalist must be professionally trained. The linguistic culture and correct speech are one of the main professional requirements for a journalist.
<i>Note: Lithuanian journalists are trained at 2 institutions – at the Faculty of Communication at Vilnius University and the Department of Public Communications at Vytautas Magnus University. As noted above, editors of PM and producers of AAVM often hire under-educated personnel or students in early stages of their education.</i>			
2.5. Consultative programming structure for participation of the public/citizens to media (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, "Société des rédacteurs" ...)	Art. 48. Act on Provision of Information to the Public	AAVM	The Radio and Television Commission of Lithuania shall be an independent institution accountable to the Parliament, which regulates and supervises the activities of commercial radio and television broadcasters. The Commission shall participate in the formation of the national audiovisual policy. It shall be a body of experts for the Parliament and the Government on the issues of radio and television broadcasting. The Commission shall be comprised of 12 members: one members shall be appointed by the Republic President, three members shall be appointed per recommendation of the Committee for Education, Science and Culture, one member each shall be appointed by : the Lithuanian Artists' Union, the Lithuanian Film-Makers' Union, the Lithuanian Composers' Union, the Lithuanian Writers' Union, the Lithuanian Theatre Union, the Lithuanian Journalists' Union, the Lithuanian Association of Journalists, the Lithuanian Association of Periodical Publishers.



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Note: Besides this Commission, the public broadcaster, Lithuanian National Radio and Television of Lithuania (LTV) also have a board consisting of members of various public institutions and associations. This board participates in programming decisions of the Lithuanian national Radio and Television.

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)		PM and AAVM	
3.1.1. Special representation requirements in media company structures			
<i>Note: There are no special representation requirements in media company structures in Lithuania.</i>			
3.1.2. Special representation requirements in media advisory bodies			
<i>Note: There are no special representation requirements related to various cultural groupings in media advisory bodies</i>			
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	Law on Equal Treatment (2005)		The purpose of this Law is to ensure the implementation of human rights laid down in the Constitution of the Republic of Lithuania, and to prohibit any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs.
<i>Note: The Ombudsperson of Equal Opportunities investigates complaints about discrimination including in hiring and takes appropriate measures (may issue administrative fines or forward cases to court).</i>			
3.2. Representation of the various cultural groupings in the media			
3.2.1. Access to airtime for cultural groupings	Art. 3, 1 Radio and Television Act	AAVM	In preparing and broadcasting its coverage the National Radio and Television of Lithuania must be guided by the principles of objectivity, democracy and impartiality, ensure freedom of speech and creative freedom, must reflect in its broadcasts diverse opinions and convictions, with individuals of various convictions having the right to take part and voice their views in them.
<i>Note: The National Radio and Television of Lithuania attempts to present a diverse programming including programming devoted to ethnic minorities.</i>			
3.2.2. Content obligations			
3.2.2.1. Promotion of European works	Art. 38 Act on Provision of Information to the Public	AAVM	3. Television broadcasters shall reserve, where practicable, at least 50 % of their programme time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works.
<i>Note: The implementation of this provision has been problematic since there were no measurements conducted on the percentage of European works in Lithuanian broadcasting.</i>			
3.2.2.2. Promotion of European independent works	Art. 38 Act on Provision of Information to the Public	AAVM	4. Television broadcasters shall reserve, where practicable, at least 10 % of their programme time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, for European works made by independent producers within the

			past five years.
<i>Note: There is no information on the observance of this provision.</i>			
	Art. 38 Act on Provision of Information to the Public	AAVM	7. The requirements laid down in paragraphs 3 and 4 of this Article shall not apply to local television broadcasters.
3.2.2.3. Promotion of national/regional works	Art. 4 Radio and Television Act	AAVM	4. Material produced in Lithuania shall comprise no less than 60 per cent of the programming of the National Radio and Television of Lithuania. The portion of broadcasts of the National Radio and Television of Lithuania, created by independent producers (legal and natural persons who prepare radio and television broadcasts, but are not permanently employed by the National Radio and Television of Lithuania) shall be stipulated by the Council of the National Radio and Television of Lithuania.
<i>Note: This provision is observed by the National Radio and Television of Lithuania.</i>			
3.2.2.4. Language requirements	Art. 34 Act on Provision of Information to the Public	PM and AAVM.	<p>1. Public information shall be produced and disseminated in the State language or some other language pursuant to the Law on the State Language and the resolutions of the State Commission of the Lithuanian Language.</p> <p>2. Radio and television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or presented with Lithuanian subtitles, except for educational, special occasion, special, music and re-broadcast foreign radio and television programmes or broadcasts as well as broadcaster-produced broadcasts intended for the ethnic minorities of Lithuania. The Radio and Television Commission of Lithuania, taking into account the needs of ethnic minorities residing in the coverage zone of broadcast programmes, may specify in the licence conditions which portion of the programmes broadcast and/or re-broadcast or parts thereof shall be comprised of programmes or broadcasts in the languages of national minorities.</p> <p>3. Broadcasters shall be prohibited from broadcasting audiovisual works which are translated from an official language of the European Union into a non-European-Union language.</p> <p>4. When disseminating public information, broadcasters must give precedence to the official languages of the European Union, therefore, when possible they must choose in</p>

			which language the same programme should be rebroadcast – in an official language of the European Union or any other language, and they must also create all conditions for a programme or broadcast to be re-broadcast in an official language of the European Union.
3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)		PM and AAVM	
<i>Note: There are no legal or other provisions on representation of minorities on the screen.</i>			
3.2.4. Subsidies (apart from general PSB funding)	Art. 27 Act on Provision of Information to the Public	PM and AAVM	<p>1. The State shall support cultural and educational activities of public information producers. State financial support shall be provided to public information producers by invitation to tender and, except for the support specified in paragraph 2 of this Article, is provided through the public establishment Media Support Foundation (hereinafter referred to as the “Foundation”). Each year the Seimas shall appropriate funds from the State budget to the Foundation. State institutions and agencies may not provide financial support or support which is equivalent to it in essence to public information producers.</p> <p>2. Financial support from the State budget for the publication of books and the production of works distributed in the audiovisual media, also for the production of feature films shall be provided through the Ministry of Culture and the Ministry of Education and Science on a proposal by expert commissions operating under the aforementioned ministries.</p>
<i>Note: This provision is implemented and works in practice.</i>			
	Art. 28 Act on Provision of Information to the Public	PM and AAVM	<p>Organization and functioning of the Media Support Foundation. This provision also states the sources of the Foundation. They comprise:</p> <ol style="list-style-type: none"> 1) state grants (subsidies); 2) funds contributed by legal or natural persons; 3) licence fees by broadcasters and re-broadcasters registered in the Republic of Lithuania; 4) interest on the Foundation funds kept in banks; 5) other legally obtained funds.
<i>Note: The Media Support Foundation is active.</i>			
3.3. Accessibility (i.e. special measures to promote access to media contents by special needs groupings in society, like	Art. 34 Act on Provision of Information to the Public	PM and AAVM	Information which is being disseminated must be accessible to the disabled.



the elderly, disabled...)

Note: This provision does not work in most cases. The National Radio and Television of Lithuania has only several programmes accessible for hearing impaired people. The majority of programmes are not accessible to the disabled.

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	Art. 22 Act on Provision of Information to the Public	PM and AAVM	6. State and municipal institutions and agencies (except for scientific and educational establishments), banks, political parties may not be the producers of public information and/or their participants, however, they may publish non periodical informational publications, have the Information Society media, intended to inform the public of their activity unless specified otherwise by the law.
<i>Note: This provision is observed declaratively. Some cases documented when political parties have been involved in producing public information.</i>			
4.1.2. Requirements of independence from political parties / politicians	Art. 3,3 Radio and Television Act		3. Government representatives, shall not have the right to make use of the National Radio and Television of Lithuania of their own initiative, except in instances stipulated by laws.
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Art. 2.4 Radio and Television Act	AAVM	Members of the Parliament, Government, the Commission of Lithuanian Radio and Television, state employed political officers, individuals employed in radio and television stations including the National Radio and Television of Lithuania and owners or co-owners of radio and television stations cannot serve in the Council [of the National Radio and Television of Lithuania].
4.1.4. Representation requirements in media companies' bodies (board of directors...)			
<i>Notes: No specific requirements for media companies' bodies found in Lithuanian media laws.</i>			
4.1.5. Representation requirements in media advisory bodies and/or regulators	Art 46. Act on Provision of Information to the Public	PM and AAVM	The Ethics Commission of Journalists and Publishers, comprised of 15 members to be appointed each by the Lithuanian Centre for Human Rights, the Lithuanian Psychiatric Association, the Lithuanian Bishops' Conference, the Lithuanian Periodical Press Publishers' Association, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, Regional Televisions' Association, and the Lithuanian Journalists' Union, the Lithuanian Journalists' Society, the Lithuanian Journalism Centre, the National Radio and Television of Lithuania, the Magazine Publishers' Association, the Regional Press Publishers' Association, the National Association of Publishers of Regional and City Newspapers, the Association of Communication and Advertising Agencies, shall be approved by the meeting of representatives of these Associations.

4.2. Content rules (relating to media programmes, press articles, other content)			
4.2.1. (Equal/proportionate) Access to airtime for political groupings			
<i>Note: No specifications on equal access to airtime for political groupings in media laws.</i>			
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels	Art. 5.8 Radio and Television Act	AAVM	The National Radio and Television of Lithuania shall provide time during elections for the candidates to the post of Republic President, political parties and candidates thereof to the Seimas or municipal council membership in accordance with the conditions and procedure established by the Laws on the Elections to the Seimas and Municipal Councils.
<i>Note: This provision is observed especially during the election time.</i>			
4.2.1.b. Paid access: rules on political advertising	Art. 39.16 Act on Provision of Information to the Public 23 rd EPRA Meeting, Elsinore, Denmark 17-19 May 2006 Background paper – Plenary <i>Political advertising: case studies and monitoring</i> EPRA Secretariat	PM and AAVM	Allowed Requirements for political advertising, the procedure for announcing and designating it in the media shall be laid down by the Law on Funding of Political Parties and Political Campaigns, and Control over the Funding as well as other legal acts.
<i>Note: “currently permits political advertising under its electoral law. This is under constant discussion. In fact, the relevant law itself requires draft legislation to be prepared by 1 January 2005 prohibiting political advertising altogether, although apparently this has not yet been done.” Paid political advertising is still allowed. The Law on Funding of Political Campaigns and Control over Funding states that political parties or individuals have the right to paid political advertising but it must be clearly distinguished from other disseminated information. The source of funding of advertising must always be explicitly stated.</i>			
4.2.2. Government announcements	Art. 21 Act on Provision of Information to the Public	PM and AAVM	1. In case of natural disasters, major accidents or epidemics as well as in the event of war or state of emergency, the producers and disseminators of public information shall, in cases specified by law and/or the Government and according to the procedure established thereby, publish official state announcements effectively and free of charge. 2. In the event of war or state of emergency, the Seimas may set restrictions and/or other obligations for the producers and disseminators of public information that are necessary to protect the interests of citizens and the general public. 3. Refusal to publish official state announcements in cases specified in paragraph 1 of this Article shall incur liability in accordance with the procedure established by the law.
	Art. 7 Radio and Television Act	AAVM	2. In the event of natural disasters, epidemics, an extraordinary or war situation, National Radio and Television of Lithuania must broadcast the official statements of the President, Seimas, Government, Constitutional Court and Office of the Prosecutor

			General.
4.2.3. Impartiality obligations			
4.2.4. Fair representation of political viewpoints; special rules in election periods	Art. 4 Radio and Television Act	AAVM	1. [...] and biased political views should not be allowed to predominate in the programmes. The information presented in information broadcasts and commentaries of the National Radio and Television of Lithuania, must be balanced and reflecting various political views, [...]
<p><i>Note: It is difficult to monitor and implement this principal. As the Inspector of Journalist Ethics stated in his 2007 report, hidden paid advertising has increasingly become widespread in Lithuania. During the election periods, the National Radio and Television of Lithuania is obliged to present airtime for different political groupings and views. In 2007, the Inspector of Journalist Ethics publicly criticized the National Radio and Television of Lithuania for not ensuring diversity of opinions in its shows by repeatedly inviting the same guests to its political talk shows.</i></p>			

TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media (for instance: is part of the spectrum explicitly reserved for regional/ local media; are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...)	Art. 33 Act on Provision of Information to the Public	PM and AAVM	2. When making a decision which charges to obligatorily re-broadcast a television programme, the Commission shall take into consideration [...] its topicality for the viewers living within the territory of licensed activities of a re-broadcaster, [...]
<i>Note: There are no specific provisions for safeguarding the local character of different media. According to the Act on Provision of Information to the Public, the Media Support Foundation must support the regional media (regional, local newspapers, magazines or other special publications, radio and television) (Act 28).</i>			
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)		PM and AAVM	
<i>Note: Since Lithuania is very small country, the principal of geographical pluralism is, in most cases, irrelevant. Most types of media, above all, AAVM are accessible to consumers.</i>			
5.3. Content obligations: requirements to cover local events, etc.		PM and AAVM	
<i>Note: No specifications as to content obligations in media laws in Lithuania.</i>			
5.4. Regional State Aids	Art. 28 Act on Provision of Information to the Public	PM and AAVM	The Media Support Foundation shall, by tender procedure, support cultural and educational projects of producers of public information according to the following six programmes: 3) the regional media (regional, local newspapers, magazines or other special publications, radio and television).
<i>Note: This provision is implemented, and the Media Support Foundation supports regional and local media.</i>			
5.5. Rules on national minorities	Art. 34, 2 Act on Provision of information to the Public	PM and AAVM	Cfr. <i>Supra</i> Radio and television programmes broadcast in a language other than Lithuanian must be translated into Lithuanian or presented with Lithuanian subtitles, except for educational, special occasion, special, music and re-broadcast foreign radio and television programmes or broadcasts as well as broadcaster-produced broadcasts intended for the ethnic minorities of Lithuania. The Radio and Television Commission of Lithuania, taking into account the needs of ethnic minorities residing in the coverage zone of broadcast programmes, may specify in the licence conditions which portion of the programmes broadcast and/or re-broadcast or parts thereof shall be comprised of programmes or broadcasts in the languages of national minorities.

Note: It is implemented. The National Radio and Television of Lithuania broadcasts several programmes in minority languages.

5.6. Rules on social inclusion of remote areas (Aménagement du territoire)		PM and AAVM	
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TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership	Art. 29 Act on Provision of Information to the Public	PM and AAVM	<p>1. State and municipal institutions as well as all types of other enterprises, agencies and organizations or natural persons may not monopolize the media.</p> <p>2. The State shall create equal legal and economic conditions for fair competition among the producers and disseminators of public information, except for the producers and/or disseminators of productions that involve violence and eroticism. In accordance with the procedure established by this and other laws, State and municipal institutions shall ensure the preservation of pluralism in the provision of information to the public and fair competition with the view of avoiding the abuse of dominant position by producers and/or disseminators of public information or in any separate media market. Dominant position in the field of provision of information to the public shall be determined in conformity with this Law and the Law of Competition.</p>
<p><i>Note:</i></p> <p>1. Although this principle is inscribed into the Act on Provision of Information to the Public, there is a growing tendency towards concentration of ownership. The Parliament has not passed any legal amendments introducing special provisions on media concentration. The sector comes under the more general competition law, which forbids dominant positions, meaning over 40 per cent of a market. The media market has increasingly become usurped by big industrial and media companies such as MG Baltic Investment, Schibsted, the Achema group, MTG (Swedish Modern Time Group), M-1 and others. However, as media scholars note that there is no monopoly over one specific kind of media.</p> <p>2. Media scholars state that while the National Radio and Television is regulated by the State, commercial channels are vaguely regulated and controlled which resulted in a strong commercial broadcasting compared to the public broadcasting.</p>			
6.1.1. Moment of intervention			
6.1.1.1. At moment of market entry (licensing procedure)	Art. 31. Act on Provision of Information to the Public	AAVM	<p>The Commission shall issue broadcasting and re-broadcasting licences on a non-tender basis in the following cases:</p> <p>1) to scientific or educational institutions for broadcasting educational and cultural programmes by a terrestrial television or radio station with a power level ranging up to 20 W;</p> <p>2) for broadcasting and/or re-broadcasting programmes by cable television or wire radio networks;</p> <p>3) for broadcasting and/or re-broadcasting programmes by electronic communications networks the main purpose of which is not the broadcasting and/or re-broadcasting of programmes;</p>

			<p>4) for broadcasting and/or re-broadcasting programmes by an artificial Earth satellite (satellites);</p> <p>5) in other cases provided for in the Strategic Plan for the Assignment of Radio Frequencies to Broadcasting and Transmission of Radio and Television Programmes.</p>
6.1.1.2. <i>At the moment of mergers & acquisitions</i>	Art. 22 Act on Provision of Information to the Public	AAVM	<p>4. Where after having sold or otherwise transferred the shares (parts, units) of a broadcaster and/or re-broadcaster possessing a broadcasting or re-broadcasting licence there is a change of the owner (owners) of the controlling package of shares or where the control (management) of a licence holder is transferred to another person (persons) on other grounds, persons intending to transfer and acquire the shares (parts, units) and/or control (management) must obtain a written consent of the Commission.</p> <p>5. The Commission may refuse to give its consent for the transfer of a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) if:</p> <p>1) persons who intend to transfer and acquire a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) have not presented the data required by the Commission or have presented incorrect data;</p> <p>2) persons who intend to transfer and acquire a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management) are prohibited, in cases provided for by the law, to be participants of the producers and/or disseminators of public information;</p> <p>3) concentration takes place due to the transfer and acquisition of a broadcaster's and/or re-broadcaster's shares (parts, units) and/or its control (management), and the Competition Council has not issued a relevant permission where such permission is required by the Law on Competition.</p>
<p><i>Note: The Radio and Television Commission of Lithuania monitors how broadcasters fulfill their commitments under the licence conditions but there are no data available on the outcome of this monitoring process. There are no publicly documented cases when the Radio and Television Commission of Lithuania did not renew the licence after mergers, the changing of an owner or selling the shares of a broadcaster.</i></p>			
6.1.1.3. <i>Other (constant monitoring/supervision)</i>			
6.1.2. Scope (<i>i.e.</i> trying to prevent one of the following forms of concentrated ownership and/or control)		PM and AAVM	
<p><i>Note: The lack of special restrictions on cross-ownership has opened the way for a consolidation of the media markets in recent years.</i></p>			
6.1.2.1. <i>Monomedia</i>			
6.1.2.2. <i>Crossmedia</i>			

6.1.2.3. Vertical integration with networks			
6.1.2.4. Integration with advertising sector		PM and AAVM	
<i>Note: The Achema group owns radio stations Radiocentras, RC2, Zip FM, Rusškoje Radio Baltija, the daily “Lietuvos žinios,” the regional newspaper “Naujienos,” printing houses Titnagas and Ausra, and advertising agency “Tango reklama.”</i>			
6.1.2.5. Integration with other (e.g. energy) sectors			
6.1.2.6. Control over both commercial and public media			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. Number of licences			
6.1.3.2. Market shares	Law on Competition (2007)		
<i>Note: The media market comes under the more general competition law, which forbids dominant positions, meaning over 40 per cent of a market.</i>			
6.1.3.3. Circulation and audience shares			
6.1.3.4. Capital shares			
6.1.3.5. Voting shares			
6.1.3.6. Advertising revenues			
6.1.3.7. Involvement in number of media sectors			
6.2. Sector specific rules preventing cooperation between media companies			
6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership	Art. 22 Act on Provision of Information to the Public	PM and AAVM	2. Only legal persons and branches of foreign legal persons or other organizations that are registered in the Republic of Lithuania in accordance with the procedure established by the law may be public information producers and/or disseminators, with the exception of managers of the Information Society media. Any person of the Republic of Lithuania and of a foreign country may be participants of producers and/or disseminators of public information, except for cases specified in this and other laws.
<i>Note: So far only EU countries are the owners of some media.</i>			
6.4. General competition rules	Competition Law		The general rules on competition law in Lithuania are expressed in the Law on Competition which entered into force on April 2, 1999. The purpose of this law is to protect the freedom of fair competition in Lithuania. The law seeks to harmonize the Lithuanian law regulating competition with the European competition rules. The Law lays down rules concerning anti-competitive agreements, abuse of a dominant position, unfair competition, as well as providing for a regime which controls mergers and other concentrations. To ensure compliance with the Law a public body called the Competition Council was established.
6.4.1. Antitrust			
6.4.1.1. Specific provisions for media sectors (e.g. public	Competition Law	PM and AAVM	All requirements of competition law of

<p>interest test...)</p>			<p>Lithuania are applicable to broadcasting activities without any material specifics. The competition law in Lithuania is generally based on the principles and regulations of the EU Law. The main legal act in this field is the Law on Competition, which regulates the questions of restrictive transaction, abuse of dominant position, control of mergers and the acts of unfair competition. Article 29 of the Law on Provision of Information to the Public embodies the prohibition for state and local government institutions, as well as other institutions, enterprises and organizations or natural persons to monopolize mass media. According to this article, exceptional constraints determined by laws o other legal acts might be applied to producers and (or) disseminators of public information involving violence and eroticism.</p>
<p>6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)</p>			
<p>6.4.2. Merger control</p>			<p>A merger, acquisition or joint venture that exceeds the thresholds set out in Article 10 (1) of the Law must be notified to the Council. The concentration may not be implemented until the Council adopts a resolution regarding the concentration. The Council must give its decision in relation a concentration within four months after the complete notification is received. The Council prohibits those concentrations that establish or strengthen a dominant position or those that substantially restrict competition. It can attach conditions and obligations to an approval.</p>
<p>6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)</p>			<p>The National Radio and Television of Lithuania has an exceptional position in the market of TV broadcasting. It has the exclusive right of free recording and transmission of the proceedings of the Parliament and Government and formal acts of the state and can use the recordings at its own discretion. The National Radio and Television of Lithuania has a priority right to newly coordinated electronic communication channels (radio frequencies), state radio and television broadcasting installations with state of the art radio and television technologies. It has the right to have 2 television and 4 radio programmes. Other radio and television stations are not allowed to operate through the channels used by the National Radio and</p>

			Television of Lithuania without permission of its Council. However, these exclusive rights do not put the National Radio and Television of Lithuania in dominant position in the market of broadcasting.
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)	none		
6.5. Transparency obligations			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	Art. 24 Act on Provision of Information to the Public	PM and AAVM	By May 15 th of the same year and in accordance with its prescribed procedure, the Government authorized institution shall publish the data submitted by the editorial offices of town or region, regional or national-level newspapers, magazines and the Information Society media in the supplement <i>Informaciniai Pranešimai</i> (Information Bulletin) to the official gazette <i>Valstybės Žinios</i> .
<i>Note: All available information is published in the supplement of the official gazette Valstybės Žinios.</i>			
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	Art. 22 Act on Provision of Information to the Public	AAVM	3. After having sold or otherwise transferred at least 10 % of the broadcaster’s or re-broadcaster’s shares (parts, units), a licence holder must inform the Radio and Television Commission of Lithuania (hereinafter referred to as the “Commission”) about the transfer of property rights not later than 30 days after it.
<i>Note: Although this obligation is a part of the Act on Provision of Information to the Public, there have been no cases in which the Radio and Television Commission of Lithuania would revoke a licence for withholding the information about a transfer of broadcaster’s shares.</i>			
	Art. 24 Act on Provision of Information to the Public	PM and AAVM	1. Each year, by March 30 th , editorial offices of local, regional or national newspapers, magazines and the Information Society media, with the exception of those referred to in paragraph 6 of Article 22 of this Law, must submit to an institution authorized by the Government in the field of providing information to the public (hereinafter referred to as the “Government authorized institution”) in accordance with the procedure established by the abovementioned institution the data regarding those shareholders or stakeholders of an enterprise who have the right of ownership to or control at least 10 % of all the shares or assets (if the assets are not divided into shares). The data shall include the names and surnames of such shareholders or stakeholders, their personal identification codes (registration numbers), the stake held in the assets or the number of shares as well as the percentage of votes. Each year, by March 30 th , the said producers and disseminators of public information shall submit to the

			<p>Government authorized institution in accordance with the procedure established by this institution information about its administrative bodies, their members and information about property relations and/or joint activity linking them with other producers and/or disseminators of public information and/or the participants therein.</p>
<p><i>Note: This provision is a rather abstract. There are no specific legal provisions to curb corruption in mass media.</i></p>			

TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
7.1. Minimum service in a number of programme strands for commercial / community / public service media	<i>Act on Provision of Information to the Public; Radio and Television Act</i> and Licence contracts of each broadcaster	AAVM	Each Licence contract with a commercial broadcaster specifies the proportion of programming. The requirements for the public service media (the National Radio and Television of Lithuania) is stipulated in the <i>Radio and Television Act</i> . It states that “A variety of topics and genres must be ensured in the programmes of LRT and the broadcasts must be oriented towards the various strata of society and people of different ages, various nationalities and convictions. Biased political views should not be allowed to predominate in the programmes; The information presented in LRT information broadcasts and commentaries, must be balanced and reflecting various political views, while opinions and factual news must be authorized, substantiated and comprehensive.
<p><i>Note: Commercial broadcasters are obliged by their licence contract with the regulator to air a certain proportion of generic programming every week. The Radio and Television Commission of Lithuania should monitor periodically how commercial broadcasters fulfill these obligations. However, no data are available. The public service broadcaster is not obliged to comply with any rules on a minimum length of programmes by genre. It is the responsibility of the Lithuanian Radio and Television Commission to make decisions on the programme contents of the National Radio and Television of Lithuania and monitor them. However, as in the case of commercial broadcasters, there are no data available on this monitoring.</i></p>			
7.1bis. Special framework for community media (“medias associatifs”): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc.).	<i>Radio and Television Act</i>	AAVM	
<p><i>Note: The Radio and Television Act does not provide specific protective measures for the National Radio and Television of Lithuania. It is funded from the State budget and commercial revenues, including advertising. State subsidies constitute the biggest part of its budget. The idea of a licence fee as a source of financing for the National Radio and Television of Lithuania was completely eliminated in 2005. The station fought for a licence fee-based funding system for several years but lost. Thus, along with its duties as a public service broadcaster, the National Radio and Television of Lithuania uses commercial broadcasting (advertising and commercially viable programmes, etc.) in order to generate more revenue.</i></p>			
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Art. 38 Act on Provision of Information to the Public	AAVM	2. The following requirements shall be complied with when broadcasting television broadcasts or programmes about events of major importance for society: 1) television broadcasters, having acquired exclusive rights to broadcast broadcasts or programmes about events of major importance for society which take place in

			<p>Lithuania and outside its territory, may not broadcast these broadcasts or programmes on an exclusive basis in such a way as to deprive a substantial proportion of the public in Lithuania of the possibility of following such events, broadcast via live coverage or deferred coverage, on free television;</p> <p>2) broadcasters under the jurisdiction of the Republic of Lithuania may not exercise the exclusive rights specified in subparagraph 1 of this paragraph in such a way as to deprive a substantial proportion of people residing in another EU Member State or a European country which has ratified the Convention on Transfrontier Television of the Council of Europe of the possibility of following the events taking place in Lithuania or outside its territory, which are designated as events of major importance for society under the legal acts of that other state. Programmes or broadcasts covering these events shall be broadcast in accordance with the broadcasting procedure established in the state concerned;</p> <p>3) the following events shall be considered to be of major importance for society in the Republic of Lithuania: Summer and Winter Olympic Games, World and European Basketball Championships, the Football World Cup and European Football Championship, Lithuanian Song Festivals as well as official commemorations of Lithuanian national holidays. The Government may supplement this list with other events considered to be of major importance for society. An institution authorized by the Government shall lay down the requirements that have to be complied with when broadcasting programmes or broadcasts about events of major importance for society of the Republic of Lithuania.</p>
<p><i>Note: This provision is in place. Major events including National Holidays, cultural festivals and religious observances are broadcast by the National Radio and Television of Lithuania. Commercial broadcasters often cover major international sports events.</i></p>			
<p>7.3. Short news reporting</p>	<p>Art. 38 Act on Provision of Information to the Public</p>	<p>AAVM</p>	<p>1. In their regular broadcasts, television broadcasters shall have the right to freely produce and show short reports (with a duration of up to 90 seconds) about events of public importance that take place in Lithuania and other countries, cultural, sports or other events, for the presentation whereof to the</p>

			public other broadcasters have acquired exclusive rights.
	Art. 5 Radio and Television Act	AAVM	3. The National Radio and Television of Lithuania shall have the right to prepare 90-second segments of all public cultural and sport events, regardless of who has the rights to this event.
7.4. Fixed book price			
7.5. Public service media	Art. 30 Act on Provision of Information to the Public	AAVM	The National Radio and Television of Lithuania (hereinafter referred to as the “LRT” which stands for the <i>Lietuvos nacionalinis radijas ir televizija</i>) is a non-profit public establishment belonging to the State by the right of ownership and operating in accordance with this Law and the Law on the National Radio and Television of Lithuania.
7.5.1. Structural rules - organization			
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)	Art. 8 Radio and Television Act	AAVM	1. The governing bodies of the National Radio and Television of Lithuania are the Council and the Administration of the National Radio and Television of Lithuania. The Council of the National Radio and Television of Lithuania is formed in accordance with the procedure established by Article 29 of the Law on Public Information. Members of the Seimas, Government, Radio and Television Commission, and also persons, who are working according to labour contracts with radio and television stations, including the National Radio and Television of Lithuania, and also the owners and co-owners of radio and television stations, may not be members of the Council of the National Radio and Television of Lithuania. (5 December 1996).
<p><i>Note: The main governance body of the National Radio and Television of Lithuania is the Council of Television and Radio of Lithuania which appoints the Director General, formulates policy and oversees its implementation. The Council is composed of 12 members appointed for a six-year term. Two thirds of the appointments are political, with four members appointed by the President and another four by the Parliament, including two members nominated by the opposition parties. The remaining four members are delegated by NGOs. This composition of the Council is supposed to ensure its independence. However, in practice political and commercial interests interfere in its work. The President’s appointment of the deputy editor of one of the leading Lithuanian dailies, Lietuvos rytas, as a member of the council stirred a controversy. Lietuvos rytas is a part of the media group that owns a TV production company Spaudos televizija which, in its turn, produced several programmes for the National Radio and Television of Lithuania. The mentioned deputy editor and a member of the Council was a frequent guest on the programmes produced by Spaudos televizija.</i></p>			
	Art. 12 Radio and Television Act	AAVM	Should the individual who has been approved as director general, and also his assistants or members of the administrative board, be a member of a political party or a political organization, they shall interrupt their membership in that organization during the term of their service in the positions of, director general, assistants of the director general, or administrative board member.

<p><i>Note: The main governance body of the National Radio and Television of Lithuania is the Council of Television and Radio of Lithuania. The Council is composed of 12 members appointed for a six-year term. Two thirds of the appointments are political, with four members appointed by the President and another four by the Parliament, including two members nominated by the opposition parties. The remaining four members are delegated by NGOs.</i></p>			
7.5.1.2. Election of management, composition of board members...(government? Parliament? Other?)	Art. 8 Radio and Television Act	AAVM	<p>2. The formation of the Council of the National Radio and Television of Lithuania shall be organized by the Seimas Committee on Education, Science and Culture. (5 December 1996)</p> <p>8. When the council resigns, the Seimas Committee on Education, Science and Culture shall contact the institutions, which had delegated council members no later than within 10 days, with a request to appoint council members. (amended 25 September 1997)</p>
	Art. 10 Radio and Television Act	AAVM	<p>2. The director general shall be appointed by the National Radio and Television Council for the duration of the authorization of the council (amended 25 September 1997) if his candidacy shall be supported by at least one half of its members. Upon failure to secure this number of votes, a new tender shall be held.</p>
			<p>The Director-General shall: [...]</p> <p>3) form an administrative board in the capacity of an advisory body, stipulate the number of its members and its formation procedure, and approve its labour regulations.</p>
7.5.1.3. Specific representation requirements for board of directors, other bodies	Art. 11. Radio and Television Act	AAVM	<p>The Administrative Commission shall be comprised of five members. The Council shall appoint the Administrative Commission members for a term of four years. ...Upon conclusion of an Administrative Commission's term of office, he may be re-appointed, with the condition, provided that no more than two consecutive terms of office shall result from this...</p> <p>Members of the Administrative Commission must be management and (or) finance specialists.</p>
<p><i>Note: The Administrative Commission of the National Radio and Television of Lithuania performs a number of functions including: 1) submits conclusions to the Council concerning the economic and financial activity of the National Radio and Television of Lithuania; 2) submits conclusions to the Council on the annual income and expenditure estimate; 3) submits conclusions to the director general regarding financial issues; 4) consult the Council and director general on financial issues, etc.</i></p>			
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings			
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings			

7.5.2. Structural rules - funding			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	Art. 14 Radio and Television Act	AAVM	3. The funds allocated in the state budget of Lithuania for National Radio and Television of Lithuania, shall be indicated on a separate line.
<p><i>Note: The National Radio and Television is funded from the State budget and commercial revenues, including advertising. State subsidies constitute the biggest part of its budget. The idea of a licence fee as a source of financing for the National Television and Radio of Lithuania was completely eliminated in 2005. The station fought for a licence fee-based funding system for several years but lost. Thus, along with its duties as a public service broadcaster, the National Television and Radio of Lithuania uses commercial broadcasting (advertising and commercially viable programmes, etc.) in order to generate more revenue.</i></p>			
7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)	Art. 31 Act on Provision of Information to the Public	AAVM	7. The LRT activities shall not be licensed. In order to ensure the broadcasting of LRT programmes, the Radio and Television Commission of Lithuania shall, on a non-tender and priority basis, in accordance with the procedure and conditions set out in this Law, issue authorizations which grant the rights equivalent to those granted by licences referred to in paragraph 1 of this Article, which are: the right to establish and operate their own electronic communications networks, the right to use their own electronic communications networks for the broadcasting and/or re-broadcasting of programmes, or the right to use the transmission services provided by a third party.
<p><i>Note: Due to insufficient funding from the state, the National Radio and Television struggles to generate more revenue via advertising etc. It has had a considerable impact on programming.</i></p>			
7.5.3. Definition of public service remit			
7.5.3.1. Obligation to provide a varied and pluralistic offer	Art. 4 Radio and Television Act	AAVM	1. A variety of topics and genres must be ensured in the programmes of National Radio and Television of Lithuania and the broadcasts must be oriented towards the various strata of society and people of different ages, various nationalities and convictions, and biased political views should not be allowed to predominate in the programmes. The information presented in information broadcasts and commentaries of the National Radio and Television of Lithuania, must be balanced and reflecting various political views, while opinions and factual news must be authorized, substantiated and comprehensive (5 December 1996).
<p><i>Note: On December 21, 2006, the Constitutional Court stated that provisions of the Radio and Television Act permitting advertising on the programmes of the National Radio and Television of Lithuania and allowing the station to carry other commercial activities do not violate the Lithuanian Constitution. Since then, the management of the National Radio and Television attempted to increase its ratings and acquire more advertising. The first channel of the National Radio and Television started broadcasting more commercial programmes (entertainment and movies) and less</i></p>			

<i>cultural and education programmes. The latter were transferred to its second channel (LTV2).</i>			
7.5.3.2. <i>Obligation to engage in new media activities</i>			
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			
7.5.5. Universal coverage obligations			

TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)	Art. 33 Act on Provision of Information to the Public	AAVM	<p>1. The re-broadcasters of television programmes must re-broadcast at least one LRT programme and all the uncoded terrestrial television programmes of Lithuania’s national broadcasters. [...] the Commission may define other television programmes which are re-broadcast obligatorily, or release from the re-broadcasting of obligatory programmes. The Commission shall also determine the minimum number of re-broadcast programmes and the nature of such programmes. In the event that limited radio frequency (channel) resources are used for the re-broadcasting of programmes, the Commission may limit the maximum number of re-broadcast programmes, taking into account the need of such resources for the re-broadcasting of programmes.</p> <p>3. Re-broadcasters, providing radio programme re-broadcasting services by cable television or wire radio networks, must re-broadcast at least one LRT radio programme.</p> <p>4. Re-broadcasters shall not pay broadcasters for the programmes that have to be re-broadcast.</p> <p>5. It shall be prohibited to alter the re-broadcast programmes or parts thereof. The use of special technical measures to ensure the protection of minors against the detrimental effect of public information on their physical, mental or moral development or the exceptional rights of other broadcasters to programmes of parts thereof shall not be considered to be an alteration of a re-broadcast programme.</p>
<i>Note: The Radio and Television Commission of Lithuania monitors these provisions and overlooks how broadcasters fulfil their commitments under the licence conditions. However, no data are available on the outcome of this monitoring process.</i>			
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)			
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission			
8.3.1. Implementation of market analysis procedure in ECNS Directives	Art. 16 Act on Electronic Communications		Procedure of the analysis for Market 18

<p>8.3.2. Result of (first) round of market analysis of market 18</p>	<p>Cullen international study</p>		<p>Included in analysis: 1)terrestrial analogue radio broadcasting where the radio frequency is allocated to the broadcaster 2)...and where it is allocated to the broadcasting transmission service provider 3) terrestrial analogue television broadcasting where the radio frequency is allocated to the broadcaster 4) ...and where it is allocated to the broadcasting transmission service provider.</p> <p>LRTC (PSB) has SMP on all four markets Remedies: imposition on LRTC of: 1)obligation to grant access 2) obligation of non-discrimination 3) obligation of transparency, including a reference offer</p> <p>Comments of the EC: 1) invitation to also assess the market of digital terrestrial radio and TV 2) consider lighter regulations for broadcasting transmission services than transmission services (?) 3) impose a shorter period than four years for the LRTC to introduce and for the “glide path”.</p>
<p>8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'</p>			
<p>8.4.1. Conditional access</p>	<p>Cullen International Study</p>		<p>There is a <u>Model</u> of introduction and development of digital television in Lithuania Responsible authority: RTK (Radio and Television Commission). The model specifies that a digital TV network operator may agree with a digital TV broadcaster on the: coding of programmes (CAS); transmission of programmes; development of end-user infrastructure; provision of additional services via the sender's network. Not yet decided who has to carry the obligation. After the obligations have been set then broadcasters and network operators will enter into commercial agreements.</p>

Note: According to this Model, the digital television will be implemented gradually using 4 national networks of digital television (DVB-T). Some transmission started on July 1, 2007. It is planned that

<p>by 2009 one network of digital television will encompass 95 % of the territory of Lithuania. By 2012 the gradual replacement of terrestrial analogue television with digital television will start. Two companies, Teo LT and Lithuanian Radio and Television Center have won the competition. They have become transmitters of digital television.</p>			
8.4.2. EPG (or other search tools)	Cullen international study		<p>Legislation:</p> <ul style="list-style-type: none"> • Paragraph 2(2) of Article 22 and paragraph 5 of Article 25 of the <u>Law on Electronic Communications</u> • Paragraph 20 of the <u>development plan</u> for digital terrestrial television technical and regulatory requirements for implementation and development of digital TV in Lithuania. <p>Responsible authority: RRT According to paragraph 5 of Article 25 of the <u>Law on Electronic Communications</u>, RRT has the right to establish requirements for the provision and use of electronic programme guides. For the time being the requirement that the amount of stream used for EPG and teletext should not exceed 15% of the entire stream (see paragraph 20 of the development plan for digital terrestrial television.</p>
8.4.3. API	Cullen International Study		<p>Regulatory authority: RRT Legislation: Paragraph 2 (2) of Article 22 of the <u>Law on Electronic Communications</u> Paragraph 25 of the <u>Model of introduction and development of digital TV in Lithuania</u></p> <p>The provisions of the directives on APIs are fully transposed in the Law on Electronic Communications. The model of introduction and development of digital TV in Lithuania recommends that digital television providers use open APIs with the same standard. MPEG-4 is used by all operators on a voluntary basis. The broadcasting licences (number of programmes in the channel) are issued taking into account MPEG-4.</p>
8.4.4. Other			
8.5. Interoperability requirements			
8.6. Specific rules for distribution systems in print media			
8.7. General competition law			
8.8. Policies fostering distribution systems (libraries, broadband networks...)			
8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the			



following criteria: - Regional - Linguistic/minority - National)			
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TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority	Art. 47-48 Act on Provision of Information to the Public	AAVM	Radio and Television Commission of Lithuania (http://www.rtk.lt)
<i>Note: The Radio and Television Commission of Lithuania is the main regulatory authority for mass media in Lithuania. However, the Council of Lithuanian Radio and Television overviews public broadcasting. There are some other institutions involved in the regulation of mass media. The National Consumer Rights Protection Board and the Competition Council hold some regulatory functions in the area of advertising. The The Ethics Commission of Journalists and Publishers and the Inspector of Journalist Ethics perform self-regulatory functions and monitor compliance with ethical standards including protection of privacy and the rights of minors.</i>			
9.1.1. Structure/ organisation			
9.1.1.1. Guarantees for independence	Art. 47 Act on Provision of Information to the Public	AAVM	1. The Commission shall be an independent institution accountable to the Seimas, which regulates and controls the activities of radio and television broadcasters and re-broadcasters falling under the jurisdiction of the Republic of Lithuania.
<i>Note: This provision ensures a partial independence of the Commission.</i>			
	Art. 47 Act on Provision of Information to the Public	AAVM	8. Members of the Seimas and the Government, members of the Council of the National Radio and Television of Lithuania, public servants of political (personal) confidence, persons linked with broadcasters and re-broadcasters by virtue of employment, also persons having a participating interest in the broadcasters and re-broadcasters may not be appointed as members of the Commission. Family members of members of the Commission may not have a participating interest in broadcasters or re-broadcasters. If appointed to the Commission, members of political parties shall suspend their membership in a political party and participation in the activities thereof until the end of their term in the Commission.
9.1.1.2. Representation requirements	Art. 47. Act on Provision of Information to the Public	AAVM	The Commission shall comprise 13 members: one member shall be appointed by the President of the Republic, three members shall be appointed by the Seimas on a proposal from the Committee on Education, Science and Culture and the Committee of the Development of Information Society, one member each shall be appointed by the Lithuanian Artists' Association, the Lithuanian Cinematographers' Union, the Lithuanian Composers' Union, the Lithuanian Writers' Union, the Lithuanian Theatres' Union, the Lithuanian Journalists' Union, the Lithuanian

			Journalists’ Society, the Lithuanian Bishops’ Conference, and the Lithuanian Periodical Press Publishers’ Association. Only a citizen of the Republic of Lithuania of good repute may be appointed as member of the Commission.
<i>Note: The Radio and Television Commission of Lithuania consists of 13 members: one member is appointed by the President, three by Parliament and eight by NGOs. The delegation of the NGOs representatives to the Commission has been questioned because of the lack of their representative character.</i>			
9.1.2. Credibility and efficiency			
9.1.2.1. Sufficient resources	Art. 47 Act on Provision of Information to the Public	AAVM	15. For the purpose of financing the activities of the Commission, the broadcasters and re-broadcasters (except for the LRT) that receive earnings from broadcasting and/or re-broadcasting activity must transfer every month to the Commission’s account 0.8 % of their earnings from advertising, subscription fees and other activities related to broadcasting and/or re-broadcasting. Payments from broadcasters or re-broadcasters shall be enforced through court if they fail to transfer the funds to the Commission’s account within a period of 3 months after the fixed date. The Commission may be financed from other sources as well: funds received for examining licence applications and change of licence conditions, other payments for provided services, support funds, publishing activities, etc.
<i>Note: Some analysts argue that this financing model makes the Commission take a lenient attitude towards commercial broadcasters since it is interested in their higher revenues.</i>			
9.1.2.2. Tasks and duties	Art. 48 Act on Provision of Information to the Public	AAVM	
<i>Note: The list of tasks and duties of the Radio and Television Commission of Lithuania indicated in the Act on Provision of Information to the Public is rather long. In sum, the Commission is responsible for organizing tenders for broadcasting and re-broadcasting licences, granting licences and setting fees for them. It also supervises whether broadcasters fulfil their licence conditions and whether they follow the requirements of the Act on Provision of Information to the Public. The amendments to the Act on Provision of Information to the Public enforced on September 1, 2006, granted more powers to the Commission for supervising how broadcasters comply with their legal requirements. Now the Commission is responsible for monitoring hidden advertising (earlier it was done by the National Consumer Rights Protection Board) and enforcing regulations on protection of minors (earlier the Inspector of Journalist Ethics was responsible for it).</i>			
9.1.2.3. Effective sanctioning powers	Art. 47 Act on Provision of Information to the Public	AAVM	Decisions of the Commission are binding for broadcasters and re-broadcasters; persons may appeal to court against the abovementioned decisions within 30 days of the date of their coming into force.
	Art. 48 Act on Provision of Information to the Public	AAVM	11) impose, in accordance with the procedure established by the law, the following penalties on broadcasters and re-broadcasters as well as other persons broadcasting, re-broadcasting or otherwise disseminating programmes or their parts through electronic communications networks, whose main purpose is not broadcasting and/or re-broadcasting of programmes, as well as producers and/or disseminators of

			programmes publicly distributed through data transmission networks, who have violated the requirements of this Law, the Law on the Protection of Minors against Detrimental Effect of Public Information, licence conditions or who do not comply with the decisions or obligations adopted by the Commission: reprimands, monetary penalties prescribed by the Code of Administrative Offences of the Republic of Lithuania, suspension of licence for a period of up to 3 months, revocation of licence, appeal to the court regarding the suspension or termination of activities of the Information Society media in accordance with the procedure laid down by this Law.
<p><i>Note: The Commission may warn broadcasters about violations and withdraw their broadcast licence in cases of major and repeated violations. It also may impose financial sanctions. However, the amount of these financial sanctions is rather meager compared to one minute of primetime advertising. Fines of 1000-10 000 LTL (from 289 EUR to 2,896 EUR) can be imposed for violations of advertising regulations and rules related to protection of minors. One minute of primetime advertising costs from 15,000 LTL (4,344 EUR) to 25,000 LTL (7,240 EUR).</i></p>			
9.1.3. Cooperation with other regulators			
9.2. Press Council	Art. 46 Act on Provision of Information to the Public	PM and AAVM	1. The Ethics Commission of Journalists and Publishers (hereinafter in this Article referred to as the “Commission”) shall be a self-regulatory institution of public information producers and disseminators. The Commission shall be a legal person, having its own seal, settlement accounts in the bank.
<p><i>Note: The Inspector of Journalist Ethic and the Ethics Commission of Journalists and Publishers are a part of the whole regulation system. They cooperate with the Radio and Television Commission of Lithuania.</i></p>			
9.2.1. Broad representation of sector	Art. 46 Act on Provision of Information to the Public		2. The Commission, comprised of 15 members to be appointed each by the Lithuanian Centre for Human Rights, the Lithuanian Psychiatric Association, the Lithuanian Bishops’ Conference, the Lithuanian Periodical Press Publishers’ Association, the Lithuanian Radio and Television Association, the Lithuanian Cable Television Association, Regional Televisions’ Association, and the Lithuanian Journalists’ Union, the Lithuanian Journalists’ Society, the Lithuanian Journalism Centre, the National Radio and Television of Lithuania, the Magazine Publishers’ Association, the Regional Press Publishers’ Association, the National Association of Publishers of Regional and City Newspapers, the Association of

			<p>Communication and Advertising Agencies, shall be approved by the meeting of representatives of these Associations (hereinafter referred to as the “Meeting”). Members of the Commission shall be appointed for a term of three years. Organizations of journalists and publishers, which delegate their representatives to the Commission shall, not less seldom than once a calendar year, convene Meetings which must be attended by at least three delegates from each of the said organizations. The Meeting shall approve rules of procedure of the Commission.</p>
9.2.2. Sufficient resources	Art. 46 Act on Provision of Information to the Public	PM and AAVM	<p>9. The Foundation shall ensure the funding of the necessary work by Commission experts, as well as the Commission’s information and technical servicing, public events held by the Commission, exploitation of the Commission’s premises, and other administrative expenses. The activities of the Commission may be financed with funds of other public foundations, as well as, when fulfilling requests by producers and/or disseminators of public information, with earnings from advance evaluation of information announced by them, showing whether or not the said information is in compliance with this Law and the Code of Ethics of Journalists and Publishers. The Commission shall have the right to fix rates for such services. The Commission shall announce information about the annual budget of its activities in the supplement <i>Informaciniai Pranešimai</i> (Information Bulletin) to the official gazette <i>Valstybės Žinios</i> not later than by 1 May of the next year.</p>
9.2.3. Credibility	Art. 46 Act on Provision of Information to the Public	PM and AAVM	<p>8. The producers or disseminators of public information who disagree with the decisions of the Commission may appeal against them in court; but they must nevertheless publish them in accordance with the procedure established in paragraph 7 of this Article.</p>
9.3. Competition Authority			<p>Competition Council of the Republic of Lithuania (http://www.konkuren.lt/)</p>
	Art 19. Law on Competition	PM and AAVM	<p>The Competition Council shall: 1) control the compliance by undertakings, public and local authorities with the requirements of this Law;2) establish the criteria and procedure for providing the definitions of the relevant market and a</p>

			<p>dominant position, investigate and define relevant markets, determine the market share of undertakings, and their position in a relevant market;3) give obligatory instructions to undertakings, from among them - to banks and other credit institutions as well as public and local authorities to submit financial and other documentation, including that containing commercial secrets and other information required for market investigation or fulfilment of other tasks of the Council.</p>
<p><i>Note: The Competition Council is responsible for monitoring hidden and misleading advertising. It can impose fines on companies that advertise their products but not on broadcasters that air their ads.</i></p>			
<p>9.3.1. Structure/ organization <i>(What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)</i></p>			
<p><i>Note: Generally, the Radio and Television Commission of Lithuania functions properly. The Commission, along with other regulatory authorities, is independent from the Government. However, in recent years two controversial decisions by the Commission demonstrated its succumbing to the political pressure. In 2006, the Commission banned all cable TV operators from re-broadcasting a Belarus television programme after it claimed that riots in Minsk were organized by the European Union and the then Lithuanian Foreign Minister, Antanas Valionis. It has been argued that this decision also was influenced by the Lithuanian Parliament’s resolution that did not recognize the results of the presidential elections in Belarus.</i></p>			
<p><i>In 2007, the Commission imposed a 3,000 LTL (868 EUR) fine on the director of MTV Lithuania for airing the animation series “Pope Town.” The channel was accused of disseminating “controversial” cartoons about Catholic clergy and the Pope. The decision of the Commission was based on the conclusions of the Inspector of Journalist Ethics who stated that the cartoons portrayed the clergy as “destructive” and incited religious discrimination. However, the Vilnius Court rejected the request of the Lithuanian Catholic Church to ban the broadcasting of the series.</i></p>			
<p>9.3.3. Cooperation with other regulators</p>			

Short summary of major implementation problems

One of the main problems concerning implementation is that basic laws such as the Lithuanian Constitution and the Act on Provision of Information to the Public are rather abstract and not clearly defined for real implementation. Secondary legislation is lacking. Different authorities interpret the provisions according to their own understanding. The provision, in the Lithuanian Constitution, on freedom of expression as incompatible with criminal actions, incitement of national, racial, religious or social hatred, violence or discrimination has not been implemented properly. The right of reply provided by the Act on Provision of Information to the Public has not been observed in practice. A number of people have not received an apology or refutation of false information from media organizations. Journalists do not always follow the norms of professional ethics despite the existing Code of Ethics of Lithuanian Journalists and Publishers. Some journalists published articles and information financed by private structures, individuals or even governmental institutions without revealing the source of their funding. As the Inspector of Journalist Ethics stated in his 2007 report, hidden paid advertising has increasingly become widespread in Lithuania. Accessibility of media to special needs groupings is also problematic in Lithuania. The National Radio and Television of Lithuania has only several programmes accessible for hearing impaired people. The majority of programmes are not accessible to the disabled.

It is difficult to monitor and implement this principal of fair representation of political viewpoints legislated by the Radio and Television Act. In 2007, the Inspector of Journalist Ethics publicly criticized the National Radio and Television of Lithuania for not ensuring diversity of opinions in its shows by repeatedly inviting the same guests to its political talk shows.

Although this principle limiting media ownership is inscribed into the Act on Provision of Information to the Public, there is a growing tendency towards concentration of ownership. The Parliament has not passed any legal amendments introducing special provisions on media concentration. The sector comes under the more general competition law, which forbids dominant positions, meaning over 40 per cent of a market. The media market has increasingly become usurped by big industrial and media companies.

The Radio and Television Act does not provide specific protective measures for the National Radio and Television of Lithuania. It is funded from the State budget and commercial revenues, including advertising. Moreover the National Radio and Television is regulated by the State, commercial channels are vaguely regulated and controlled which resulted in a strong commercial broadcasting compared to the weak public broadcasting. Due to insufficient funding from the state, the National Radio and Television struggles to generate more revenue via advertising etc. It has had a considerable impact on the quality of programming and its public service mission. Although the main media regulation authority, the Radio and Television Commission of Lithuania, functions relatively properly and, along with other regulatory authorities, is independent from the Government, some tendencies of political pressure and influence on this authority can be noticed in recent years.



Independent Study on
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– towards a risk-based approach”

